IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 21629 of 2007(Y)

LAR.100/2002 of SUB COURT, CHERTHALA

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PETITIONER:

SINIMOL, D/O. BHAGEERATHI,
VATTATHARAYIL, PALLIPURAM.

BY ADV. SRI.G.GOPAKUMAR (CHERTHALA)

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY THE SPECIAL TAHSILDAR (LA),
INDUSTRIAL GROWTH CENTRE, CHERTHALA.

2. MANAGING DIRECTOR,
K.S.I.D.C., THIRUVANANTHAPURAM.

R1 BY GOVT. PLEADER SHRI. BENNY VARGHESE
R2 BY SC SHRI. JAYAPRADEEP V.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/7/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 21629 OF 2007 Y

Dated this the 16th July, 2007.

JUDGMENT

This writ petition is filed seeking to set aside the order passed by the learned Subordinate Judge, Cherthala directing the petitioner to furnish sufficient security for release of the amount deposited at the time of granting stay by this court. This Court, in the appeal granted a stay on deposit of 50% of the amount awarded. When the petitioner moved an application for issuance of a cheque the Government and the requisitioning authority opposed the same and therefore the court passed an order directing furnishing of security for release of the amount. Learned counsel for the requisitioning authority has brought to my notice that in many cases the enhancement has been only 25% and there are a batch of cases pending before the courts. Therefore, I feel that the order of the learned Subordinate Judge, Cherthala can be modified whereby the amount can be released to the petitioner on furnishing security for 25% of the amount which is already deposited. It is made clear that if any further amount is ordered to be deposited by the appellate court then orders have to be taken for disbursement of the same from the concerned court. The writ petitioner is granted two weeks' time for furnishing

security. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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